4. (Once Amended) The substantially purified nucleic acid molecule according to claim 2, wherein said substantially purified nucleic acid molecule comprises a region having a single nucleotide polymorphism.

16. (New) A substantially purified nucleic acid molecule comprising a fragment nucleic acid molecule having from about 50 to about 100 nucleotide residues of a nucleic acid molecule selected from the group consisting of SEQ ID NO: 1 through SEQ ID NO: 69652.

17. (New) A substantially purified nucleic acid molecule having between 90 % and 100% sequence identity with a second nucleic acid molecule selected from the group consisting of SEQ ID NO: 1 through SEQ ID NO: 69652 and complements thereof.

18. (New) The substantially purified nucleic acid molecule of claim 17, wherein said substantially purified nucleic acid molecule has between 99 % and 100% sequence identity with said second nucleic acid molecule.

19. (New) The substantially purified nucleic acid molecule according to claim 17, wherein said nucleic acid molecule comprises a microsatellite sequence.

20. (New) The substantially purified nucleic acid molecule according to claim 17, wherein said nucleic acid molecule comprises a region having a single nucleotide polymorphism.

REMARKS

Following entry of this amendment claims 1-4 and 6-20 will be pending in the instant application. Claims 2 through 4 have been amended, claim 5 has been canceled, and new claims 16-20 have been added. Support for the amendments and new claims may be found in the original claims and throughout the specification, *e.g.*, page 17, line 22 to page 18, line 4, and page 20, line 14 to page 21, line 10. No new matter is introduced by these amendments.

In the Office Action mailed June 18, 2001, the Examiner required restriction to one of the following inventions under 35 U.S.C. 121:

Group I: Claims 1-9, drawn to polynucleotides, classified in Class 536, subclass 23.1.

Group II: Claims 10-15 drawn to transgenic plants, classified in Class 800, subclass 3.

Applicants respectfully traverse the restriction requirement and provisionally elect the claims of group I, claims 1-4, 6-9 and 16-20, drawn to polynucleotides, and the sequence of SEQ ID NO: 1, for further prosecution.

However, Applicants submit that the Patent Office has not proven that an undue burden would be imposed by the search and examination of the entire application. Applicants submit that the complete examination would be handled most expeditiously by treating all of the pending claims as a single entity. As MPEP 803 directs, "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." Applicants respectfully submit that the Examiner has not shown that a search and examination of the entire application would cause a serious burden. Rather, a serious burden would arise if the application were restricted.

No serious burden is created for the Examiner by running a simultaneous computerized search of the nucleic acids of Groups I and II. The single search may be run in conjunction with databases such as those available at http://www.ncbi.nlm.nih. A single search for a particular nucleotide sequence and its translation product, for example, would automatically yield results from Groups I and II without any undue burden on the Examiner.